

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# 18-01**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input checked="" type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: <b>12/26/2017</b>	NEED RESPONSE BY: <b>01/15/2018</b>
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: <b>Contra Costa County- EHSD</b>	
3. PHONE NO.:      EMAIL:		7. SUBJECT: <b>NSTR or Reviewable?</b>	
4. REGULATION CITE(S): <b>FNS 310;Chapter 3,section 321</b>		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>  <b>FNS 310, Chapter 3, section 321.1</b>	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Case scenario:

Sample month is 9/2017. CF terminated 9/30/2017. Client did not access the benefits in 9/2017 thru 12/2017.

Per FNS 310, section 321.1 Online EBT. For "online" EBT systems where the account memory is held in a central computer system, participation has occurred when the sample month benefits are posted to the account.

Exception: The household is not considered to have participated in the sample month if the household has not accessed the account to withdraw/purchase food at any time in the three-month period which includes the sample month and the two consecutive months immediately after the sample month. This means the account was dormant. Under these conditions, the review process stops because the case is not subject to review (NSTR).

Question: Is it NSTR or is it reviewable?

10. REQUESTOR'S PROPOSED ANSWER:

I do not see where it indicates in the 310 that benefits must have been issued for the two consecutive months following the sample month.

I determine it is NSTR because I verified the sample months benefits was posted to the account and the HH did not access the account for withdrawal/purchase food at any time in the three-month period which includes the sample month and the two consecutive months immediately after the sample month.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

State QC agrees with the requestor's proposed answer as the QC review is not subject to review due to non-participation.

**FOR CDSS USE**

DATE RECEIVED:

**01/03/2018**

DATE RESPONDED TO COUNTY/ALJ:

**01/03/2018 MG**